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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/540,328	06/21/2005	Christopher James Massam	4502-1085	1633
<div>466 7590 01/28/2010</div> <div>YOUNG &amp; THOMPSON 209 Madison Street Suite 500 Alexandria, VA 22314</div>				
EXAMINER				
MCADAMS, BRAD				
ART UNIT		PAPER NUMBER		
2456				
NOTIFICATION DATE		DELIVERY MODE		
01/28/2010		ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

DocketingDept@young-thompson.com

## Office Action Summary

**Application No.**

10/540,328

**Applicant(s)**

MASSAM ET AL.

**Examiner**

ROBERT B. MCADAMS

**Art Unit**

2456

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 November 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 21-32 and 34-39 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 21-32 and 34-39 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. This Office Action is in response to the amendment filed on November 18, 2009.
2. Claims 21-32 and 34-39 are pending.

### *Response to Arguments*

3. Applicant's arguments with respect to Claims 21-32 and 34-39 have been considered but are moot in view of the new ground(s) of rejection.

### *Claim Rejections - 35 USC § 103*

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 21-29** are rejected under 35 U.S.C. 103(a) as being unpatentable over *Hughes* (U.S. Patent No. 6,854,009 B1) in view of *Remer* (U.S. Patent No. 7,120,679) and in further view of *Cochran* (U.S. Patent No. 7,240,106 B2).

As to **Claims 21, 25 and 28**, *Hughes* discloses a method of providing a VPN communication between two or more network devices of unknown network address at least a first one of which network devices does not initially know the other network

devices internet network addresses (**VPN Devices 144a and 144b, Figure 1B; Column 4, Lines 11-20**), the method comprising:

providing a verification authority connected to the internet remote from the two or more network devices and capable of verifying the identity of the two or more internet network devices (**Authentication Server 216, Figure 2; Column 8, Lines 43-45**);

providing a configuration server connected to the internet remote from the two or more network devices and capable of supplying to each verified internet device the entire configuration data for that verified internet device (**Server Farm 100, Figure 2**);

providing each of the two or more network devices having no provision to permanently store the user configuration data, but each of the devices containing configuration information sufficient to contact a remote verification authority, providing within each of the two or more network devices, a routine which securely contacts the remote verification authority, providing the identity of the network device and subsequently downloading from a remote configuration authority authorized by the remote verification authority the entire configuration data each time the device is initialized, for one of the two or more internet network devices, each time that device is initialized, reloading that device with the downloaded configuration data (**VPN device 144a securely contacts remote verification authority, Authentication Server 216, via a VPN, to download and store its configuration data from the Configuration Server in RAM, where the local configuration is lost upon power loss as is well known in the art when using RAM as a storage device. Column 4, Lines 14-17,**

**Column 4, Lines 56-65, Column 7, Lines 55-64 and Paragraph bridging Columns 7 and 8.); and**

repeating the process for each of the other network devices so that each of the other network devices downloads from the remote configuration server authorized by the remote verification authority the entire configuration data for that particular internet network device each time that particular device is initialized and reloading that particular device with the downloaded configuration data **(Previously discussed process is repeated for every user appliance. Column 7, Lines 55-64).**

However, *Hughes* does not expressly disclose connecting to a remote verification authority at a designated address, storing the allocated internet network address of the network device at the verification authority and supplying said address to at least one of the other network devices.

*Remer*, in the same field of endeavor, teaches connecting the devices to an internet service provider to request a first IP address, and using that first IP address to connect to the remote verification authority at a designated internet address **(Steps 710-725 and 740, Figure 7; Column 7, Lines 12-40);**

*Cochran*, in the same field of endeavor, teaches storing the allocated internet network address of the network device at the verification authority **(An addressing system allocates and stores addresses to the network devices. Column 6, Lines 8-31)** and initiating a VPN communication between two or more of the network devices, by sending an instruction from the verification authority to one of the network devices by supplying to that network device the allocated internet address of at least one of the

other network devices so that the recipient internet device can communicate with the other network device (**Device Search Process 248 sends allocated internet addresses of devices connected, to the other network device. Column 15, Lines 30-36).**

At the time of invention, it would have been obvious to a person of ordinary skill in the art to combine configuring headless devices as taught by *Hughes* with the headless devices retrieving an allocated IP address from a server as taught by *Remer*, and initiating communications between the headless devices by using said address as taught by *Cochran*. The motivation would have been by providing two unknown addressed devices with an allocated address automatically, it would enable said devices to communicate with each other.

As to **Claim 22**, *Hughes-Remer-Cochran* further teaches wherein the two or more network devices are routers (***Hughes*; VPN Device 144a and 144b route data between the internet and the local network. Figure 1A and 1B).**

As to **Claim 23**, *Hughes-Remer-Cochran* further teaches wherein the routers form part of ADSL modems (***Hughes*; VPN Device 141 uses a DSL modem to connect to the internet. Column 7, Lines 55-64).**

As to **Claim 24**, *Hughes-Remer-Cochran* further teaches wherein the configuration data is downloaded as a single transaction (***Hughes*; Column 8, Lines 1-5**).

As to **Claim 26**, *Hughes-Remer-Cochran* further teaches wherein the configuration data remains unchanged for the duration of the network devices powered on cycle (***Hughes*; Column 26, Lines 27-30**).

As to **Claim 27**, *Hughes-Remer-Cochran* further teaches wherein the configuration data is only downloaded upon a power up sequence (***Hughes*; Column 7, Lines 55-64**).

As to **Claim 29**, *Hughes-Remer-Cochran* further teaches wherein a user sends a request via secure internet access to the remote authority to create a VPN between some or all of the network devices whose addresses have been stored at the remote authority (***Hughes*; A VPN is created and used to access devices on the network. Column 4, Lines 12-17**).

6. **Claims 30-32 and 34-39** are rejected under 35 U.S.C. 103(a) as being unpatentable over *Hughes* (U.S. Patent No. 6,854,009 B1) in view of *Remer* (U.S. Patent No. 7,120,679) in further view of *Cochran* (U.S. Patent No. 7,240,106 B2) and in further view of *Weldon* (U.S. Patent No. 6,366,563 B1).

As to **Claim 30**, *Hughes-Remes-Cochran* teach the method as previously discussed in Claim 29.

However, *Hughes-Remes-Cochran* do not expressly teach sending statistics for analysis.

*Weldon*, in the same field of endeavor, teaches network devices communicating with a remote authority on schedule to send statistics for storage and analysis (**Probing router, on a polling interval, collects statistics for storage and analysis. Column 10, Figure 5; Column 10, Lines 41-55**).

At the time of invention, it would have been obvious to a person of ordinary skill in the art to have combined the communication method as taught by *Hughes-Remes-Cochran* with sending statistics as taught by *Weldon*. The motivation would have been to enhance the performance of the VPN by analyzing performance statistics.

As to **Claim 31**, *Hughes-Remes-Cochran-Weldon* further teach wherein each of the two or more network devices are routers (**Hughes; VPN Device 144a and 144b route data between the internet and the local network. Figure 1A and 1B**).

As to **Claim 32**, *Hughes-Remes-Cochran-Weldon* further teach wherein the routers form part of ADSL modems (**Hughes; VPN Device 141 uses a DSL modem to connect to the internet. Column 7, Lines 55-64**).



As to **Claim 34**, *Hughes-Remes-Cochran-Weldon* further teaches wherein the configuration details and software are downloaded as a single transaction (**Hughes; Column 8, Lines 1-5**).

As to **Claim 35**, *Hughes-Remes-Cochran-Weldon* further teach wherein the configuration details and software are lost when the network device loses power ((**VPN device 144a securely contacts remote verification authority, Authentication Server 216, via a VPN, to download and store its configuration data from the Configuration Server in RAM, where the local configuration is lost upon power loss as is well known in the art when using RAM as a storage device. Column 4, Lines 14-17, Column 4, Lines 56-65, Column 7, Lines 55-64 and Paragraph bridging Columns 7 and 8.**)

As to **Claim 36**, *Hughes-Remes-Cochran-Weldon* further teaches wherein the configuration details and software remain unchanged for the duration of the network devices powered on cycle (**Hughes; Column 26, Lines 27-30**).

As to **Claim 37**, *Hughes-Remes-Cochran-Weldon* further teaches wherein the configuration details and software are only downloaded upon a power up sequence (**Hughes; Column 7, Lines 55-64**).

As to **Claim 38**, *Hughes-Remes-Cochran-Weldon* further teaches wherein the remote authority sends a code to at least one of the network devices which forces it to download the configuration details and software (**A code is checked forcing the download of the configuration software. Hughes; Column 11, Lines 9-19**).

As to **Claim 39**, *Hughes-Remes-Cochran-Weldon* further teaches wherein the user configuration details and software can be changed by a user via a secure internet connection to the remote authority (**A user can change which profile configuration they connect to at the remote authority. Hughes; Column 13, Lines 36-41**).

### ***Conclusion***

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ROBERT B. MCADAMS whose telephone number is (571)270-3309. The examiner can normally be reached on Monday-Thursday 5:30am-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on 571-272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/R. B. M./  
Examiner, Art Unit 2456

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